08-11153-scc Doc 108 Filed 05/14/08 Entered 05/14/08 12:50:50 Main Document Hearing Date: May 28, 2008 at 2:00 p.m. (prevailing Eastern Time)
Objection Deadline: May 21, 2008 at 4:00 p.m. (prevailing Eastern Time)

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Attorneys for Debtors and Debtors in Possession

## UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

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In re : Chapter 11 Case No.

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LEXINGTON PRECISION CORP., et al., : 08-11153 (MG)

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Debtors. : (Jointly Administered)

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# NOTICE OF THE DEBTORS' MOTION FOR ENTRY OF AN ORDER PURSUANT TO BANKRUPTCY RULE 1007(c) FURTHER EXTENDING THE TIME TO FILE THE DEBTORS' SCHEDULES, STATEMENT OF FINANCIAL AFFAIRS, AND RELATED DOCUMENTS

PLEASE TAKE NOTICE that Lexington Precision Corporation and its wholly-owned subsidiary, Lexington Rubber Group, Inc. (together, the "<u>Debtors</u>"), as debtors and debtors in possession in the above-captioned chapter 11 cases filed a motion, dated May 14, 2008 (the "<u>Motion</u>"), for entry of an order, pursuant to Rule 1007(c) of the Federal Rules of Bankruptcy Procedure (the "<u>Bankruptcy Rules</u>"), further extending the time to file the Debtors' schedules, statement of financial affairs, and related documents by an additional 30-days, through and including June 30, 2008.

PLEASE TAKE FURTHER NOTICE that any objections or responses to the Motion, if any, must (a) be in writing; (b) conform to the Bankruptcy Rules and the Local Rules for the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy"

<u>Court</u>"); and (c) set forth the name of the objecting party, the basis for the objection, and specific grounds therefore.

PLEASE TAKE FURTHER NOTICE that all objections and responses must be filed with the Bankruptcy Court no later than May 21, 2008 at 4:00 p.m. (prevailing Eastern Time). In accordance with General Order M-242, registered users of the Bankruptcy Court's case filing system must electronically file their objections and responses. General Order M-242 may be found at www.nysb.uscourts.gov. All other parties-in-interest must file their objections and responses on a 3.5 inch disk (preferably in Portable Document Format (PDF), WordPerfect, or any other Windows-based word processing format) and deliver a hard copy directly to the chambers of Judge Martin Glenn.

PLEASE TAKE FURTHER NOTICE that all objections and responses must be served, so as to be received no later than May 21, 2008, at 4:00 p.m. (prevailing Eastern Time), upon: (a) the Debtors, Lexington Precision Corporation, 800 Third Ave. 15th Floor, New York, New York 10023 (Attn: Michael A. Lubin), (b) the attorneys for the Debtors, Weil, Gotshal & Manges LLP, 767 Fifth Avenue, New York, New York 10153 (Attn: Christopher J. Marcus and Victoria Vron); (c) the Office of the United States Trustee for the Southern District of New York, 33 Whitehall Street, 21st Floor, New York, New York 10004 (Attn: Paul Schwartzberg); (d) attorneys for the Debtors' prepetition lenders, Waller, Landsden, Dortch & Davis LLP, 511 Union Street, Suite 2700, Nashville, Tennessee, 37219 (Attn: John C. Tishler); (e) attorneys for the official creditors' committee of unsecured creditors, Andrews Kurth LLP, 450 Lexington Avenue, New York, New York 10017 (Attn: Paul Silverstein); and (f) attorneys for Debtors' postpetition lenders, O'Melveny & Meyers, LLP, Times Square Tower, 7 Times Square, New York, New York 10036 (Attn: Gerald Bender).

PLEASE TAKE FURTHER NOTICE that a hearing to consider the relief requested in the Motion shall be held before the Honorable Martin Glenn, United States Bankruptcy Judge, on **May 28, 2008 at 2:00 p.m.** (**prevailing Eastern Time**), at the United States Bankruptcy Court, Alexander Hamilton Custom House, One Bowling Green, New York, New York 10004 or as soon thereafter as counsel may be heard.

Dated: New York, New York May 14, 2008

/s/ Richard P. Krasnow

Richard P. Krasnow, Esq. Christopher J. Marcus, Esq.

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## UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

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In re : Chapter 11 Case No.

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LEXINGTON PRECISION CORP., et al., : 08-11153 (MG)

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Debtors. : (Jointly Administered)

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#### DEBTORS' MOTION FOR ENTRY OF AN ORDER PURSUANT TO BANKRUPTCY RULE 1007(c) FURTHER EXTENDING THE TIME TO FILE THE DEBTORS' SCHEDULES, STATEMENT OF FINANCIAL AFFAIRS, AND RELATED DOCUMENTS

TO THE HONORABLE MARTIN GLENN, UNITED STATES BANKRUPTCY JUDGE:

Lexington Precision Corporation and Lexington Rubber Group, Inc., as debtors and debtors in possession (collectively, "Lexington" or the "Debtors"), respectfully represent:

#### **Background**

1. On April 1, 2008 (the "Commencement Date"), each of the Debtors commenced with this Court a voluntary case under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code"). The Debtors are authorized to continue to operate their businesses and manage their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

2. The Debtors' chapter 11 cases have been consolidated for procedural purposes only and are being jointly administered pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules").

#### **Lexington's Businesses**

3. Lexington manufactures large volumes of high-quality rubber and metal components at competitive prices for use primarily in automobiles and medical devices.

Lexington operates through two operating segments—the Rubber Group and the Metals Group.

Lexington's components are generally sold to other manufacturers.

#### Jurisdiction

4. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

#### **Relief Requested**

5. The Debtors request that the Court extend the time to file the Debtors' schedules, statement of financial affairs, and related documents (collectively, the "Schedules") by an additional 30 days, through and including June 30, 2008. The current deadline to file the Schedules is May 31, 2008.

<sup>&</sup>lt;sup>1</sup> The schedules to be filed are:

Schedule A – Real Property

Schedule B – Personal Property

Schedule C – Property Claimed as Exempt

Schedule D – Creditors Holding Secured Claims

Schedule E – Creditors Holding Unsecured Priority Claims

Schedule F – Creditors Holding Unsecured Nonpriority Claims

Schedule G – Executory Contracts and Unexpired Leases

Schedule H - Codebtors

#### **Lexington's Schedules**

6. Rule 1007(c) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") requires debtors to file their Schedules 15 days after the commencement of a chapter 11 case. Bankruptcy Rule 1007(c) also permits the Court to extend the 15-day time period upon a showing of cause. On April 2, 2008, the Court entered an order granting the Debtors' motion for an order extending the time to file their Schedules by an additional 45 days, through and including May 31, 2008.<sup>2</sup>

## Cause Exists to Further Extend the Time to File the Schedules

- 7. Because the Debtors' finance department which only consists of five employees are in the process of preparing the Debtors' annual and quarterly reports to file with the Securities and Exchange Commission and also preparing a proxy statement in connection with the Debtors' annual shareholders meeting which may be held during the later part of May 2008, the Debtors may need additional time to review, finalize, and file the Schedules.
- 8. Accordingly, while the Debtors are working diligently to prepare the Schedules with the intent of filing all portions thereof on or before May 31, 2008, in an abundance of caution, they seek an additional 30-day extension, through and including June 30, 2008 to file the Schedules. In light of the foregoing, ample cause exists for the requested the 30-day extension.

<sup>&</sup>lt;sup>2</sup> Order Pursuant to Bankruptcy Rules 1007(c) and 2002(d) Granting Extension of Time to File Schedules of Assets and Liabilities, Schedules of Executory Contracts and Unexpired Leases, and Statement of Financial Affairs, dated April 2, 2008 [Docket No. 20].

#### **Memorandum of Law**

9. The Debtors submit that the relevant authorities are set forth herein, and accordingly, that the Motion satisfies the requirement contained in Local Bankruptcy Rule 9013-1(b) for the filing of a separate memorandum in support of the Motion.

#### **Notice**

10. No trustee or examiner has been appointed in these chapter 11 cases.

Notice of this Motion has been provided to (i) the United States Trustee for the Southern District of New York, (ii) the attorneys for the agents for the Debtors' prepetition lenders, (iii) the attorneys for the Debtors' postpetition lenders, (iv) the attorneys for the statutory creditors' committee of unsecured creditors, and (v) all other parties entitled to notice in these chapter 11 cases. The Debtors submit that no other or further notice need be provided.

WHEREFORE, the Debtors respectfully request entry of an order granting the relief requested herein and such other and further relief as is just.

Dated: New York, New York May 27, 2008

/s/ Richard P. Krasnow

Richard P. Krasnow, Esq. Christopher J. Marcus, Esq.

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Facsimile: (212) 310-8007

Attorneys for Debtors and Debtors in Possession

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

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In re : Chapter 11 Case No.

LEXINGTON PRECISION CORP., et al., : 08-11153 (MG)

00 11100 (1110)

Debtors. : (Jointly Administered)

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## ORDER PURSUANT TO BANKRUPTCY RULE 1007(c) FURTHER EXTENDING THE TIME TO FILE THE DEBTORS' SCHEDULES, STATEMENT OF FINANCIAL AFFAIRS, AND RELATED DOCUMENTS

Upon the Motion, dated May 14, 2008 (the "Motion") of Lexington Precision Corporation and Lexington Rubber Group, Inc., as debtors and debtors in possession (collectively, the "Debtors"), pursuant to Rule 1007(c) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), further extending the time to file the Debtors' schedules, statement of financial affairs, and related documents (collectively, the "Schedules"), all as more fully set forth in the Motion; and the Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334 and the Standing Order M-61 Referring to Bankruptcy Judges for the Southern District of New York Any and All Proceedings Under Title 11, dated July 10, 1984 (Ward, Acting C.J.); and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided and no other or further notice need be provided; and a hearing having been held to consider the relief requested in the Motion (the "Hearing"); and upon the record of the Hearing and all of the proceedings had before the Court; and the Court having found and determined that the relief sought in the Motion is in the best

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interests of the Debtors, their estates and creditors, and all parties in interest and that the legal

and factual bases set forth in the Motion establish just cause for the relief granted herein; and

after due deliberation and sufficient cause appearing therefor, it is

ORDERED that the Motion is granted; and it is further

ORDERED that pursuant to Bankruptcy Rule 1007(c) the time to file the Debtors'

Schedules is extended an additional 30 days, through and including June 30, 2008, without

prejudice to the Debtors right to seek further extensions upon a showing of cause therefor; and it

is further

ORDERED that the requirement set forth in Local Bankruptcy Rule 9013-1(b) for

the filing of a separate memorandum of law in support of the Motion is satisfied.

Dated: New York, New York

May \_\_\_\_, 2008

United States Bankruptcy Judge